

ORIGINAL CIVIL COVER SHEET  
 The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE SIDE OF THIS FORM)

MAR 17 2003

**I. (a) PLAINTIFFS**

Lawrence E. Steinberg

**DEFENDANTS**

James H. Brennan, III

CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS(b) County of Residence of First Listed Plaintiff Dallas  
(EXCEPT IN U.S. PLAINTIFF CASES)County of Residence of First Listed Defendant \_\_\_\_\_  
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE  
LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)

Carl A. Generes  
4315 West Lovers Lane  
Dallas, TX 75209Attorneys (If Known)  
**3 03CV-0562N**Baxter W. Banowsky  
12001 N. Central Expressway, Suite 790  
Dallas, TX 75243**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff       3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant       4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | PTE                                     | DEF                        | PTF  | DEF                        |
|---|----------------------------|--|----------------------------|
| <input checked="" type="checkbox"/> 1   | <input type="checkbox"/> 1 | <input type="checkbox"/> 4   | <input type="checkbox"/> 4 |
| Citizen of This State                   |                            | Incorporated or Principal Place of Business In This State            |                            |
| <input checked="" type="checkbox"/> 2   |                            | Incorporated and Principal Place of Business In Another State        |                            |
| <input type="checkbox"/> 3              |                            | Foreign Nation <input type="checkbox"/> 6 <input type="checkbox"/> 6 |                            |
| Citizen or Subject of a Foreign Country |                            |  |                            |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

| CONTRACT  | TORTS  | FORFEITURE/PENALTY  | BANKRUPTCY   | OTHER STATUTES   |
|---|--|---|--|--|
| <input type="checkbox"/> 110 Insurance<br><input type="checkbox"/> 120 Marine<br><input type="checkbox"/> 130 Miller Act<br><input type="checkbox"/> 140 Negotiable Instrument<br><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment<br><input type="checkbox"/> 151 Medicare Act<br><input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)<br><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits<br><input type="checkbox"/> 160 Stockholders' Suits<br><input checked="" type="checkbox"/> 190 Other Contract<br><input type="checkbox"/> 195 Contract Product Liability | <b>PERSONAL INJURY</b><br><input type="checkbox"/> 310 Airplane<br><input type="checkbox"/> 315 Airplane Product Liability<br><input type="checkbox"/> 320 Assault, Libel & Slander<br><input type="checkbox"/> 330 Federal Employers' Liability<br><input type="checkbox"/> 340 Marine<br><input type="checkbox"/> 345 Marine Product Liability<br><input type="checkbox"/> 350 Motor Vehicle<br><input type="checkbox"/> 355 Motor Vehicle Product Liability<br><input type="checkbox"/> 360 Other Personal Injury | <b>PERSONAL INJURY</b><br><input type="checkbox"/> 362 Personal Injury—Med. Malpractice<br><input type="checkbox"/> 365 Personal Injury—Product Liability<br><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability<br><input type="checkbox"/> 370 Other Fraud<br><input type="checkbox"/> 371 Truth in Lending<br><input type="checkbox"/> 380 Other Personal Property Damage<br><input type="checkbox"/> 385 Product Damage Product Liability | <input type="checkbox"/> 610 Agriculture<br><input type="checkbox"/> 620 Other Food & Drug<br><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC<br><input type="checkbox"/> 630 Liquor Laws<br><input type="checkbox"/> 640 R.R. & Truck<br><input type="checkbox"/> 650 Airline Regs.<br><input type="checkbox"/> 660 Occupational Safety/Health<br><input type="checkbox"/> 690 Other | <input type="checkbox"/> 422 Appeal 28 USC 158<br><input type="checkbox"/> 423 Withdrawal 28 USC 157<br><b>PROPERTY RIGHTS</b><br><input type="checkbox"/> B20 Copyrights<br><input type="checkbox"/> B30 Patent<br><input type="checkbox"/> B40 Trademark |
| <b>REAL PROPERTY</b>  | <b>CIVIL RIGHTS</b>  | <b>PRISONER PETITIONS</b>   | <b>LABOR</b>   | <b>SOCIAL SECURITY</b>   |
| <input type="checkbox"/> 210 Land Condemnation<br><input type="checkbox"/> 220 Foreclosure<br><input type="checkbox"/> 230 Rent Lease & Ejectment<br><input type="checkbox"/> 240 Torts to Land<br><input type="checkbox"/> 245 Tort Product Liability<br><input type="checkbox"/> 290 All Other Real Property  | <input type="checkbox"/> 441 Voting<br><input type="checkbox"/> 442 Employment<br><input type="checkbox"/> 443 Housing/ Accommodations<br><input type="checkbox"/> 444 Welfare<br><input type="checkbox"/> 440 Other Civil Rights  | <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus.<br><input type="checkbox"/> 530 General<br><input type="checkbox"/> 535 Death Penalty<br><input type="checkbox"/> 540 Mandamus & Other<br><input type="checkbox"/> 550 Civil Rights<br><input type="checkbox"/> 555 Prison Condition   | <input type="checkbox"/> 710 Fair Labor Standards Act<br><input type="checkbox"/> 720 Labor/Mgmt. Relations<br><input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act<br><input type="checkbox"/> 740 Railway Labor Act<br><input type="checkbox"/> 790 Other Labor Litigation<br><input type="checkbox"/> 791 Empl. Ret. Inc. Security Act   | <input type="checkbox"/> B61 HIA (1395ff)<br><input type="checkbox"/> B62 Black Lung (923)<br><input type="checkbox"/> B63 DIWC/DIWW (405(g))<br><input type="checkbox"/> B64 SSID Title XVI<br><input type="checkbox"/> B65 RSI (405(g))                  |
|   |  |   |  | <b>FEDERAL TAX SUITS</b><br><input type="checkbox"/> B70 Taxes (U.S. Plaintiff or Defendant)<br><input type="checkbox"/> B71 IRS—Third Party 26 USC 7609   |

**V. ORIGIN** (PLACE AN "X" IN ONE BOX ONLY)

- 1 Original Proceeding       2 Removed from State Court       3 Remanded from Appellate Court       4 Reinstated or  5 Reopened

Transferred from another district  
(specify) 6 Multidistrict Litigation

Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause.  
Do not cite jurisdictional statutes unless diversity)

28 U.S.C. § 1441(a) (diversity, breach of contract)

**VII. REQUESTED IN COMPLAINT:**  CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23      DEMAND \$ 50,000      CHECK YES only if demanded in complaint:  
**JURY DEMAND:**  Yes       No

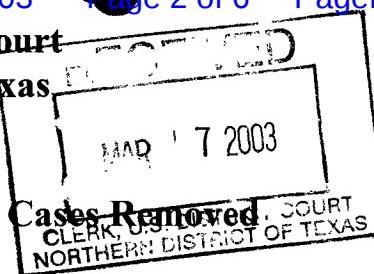
**VIII. RELATED CASE(S) IF ANY** (See instructions):  
**JUDGE** Baxter W. Banowsky      DOCKET NUMBER \_\_\_\_\_

DATE 3/17/2003 SIGNATURE OF ATTORNEY OF RECORD  
 FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

## United States District Court

Northern District of Texas

**ORIGINAL****Supplemental Civil Cover Sheet For Cases Removed  
From State Court**

This form must be attached to the Civil Cover Sheet at the time the case is filed in the U.S. District Clerk's Office. Additional sheets may be used as necessary.

**1. State Court Information:**

Please identify the court from which the case is being removed and specify the number assigned to the case in that court.

| <u>Court</u>                                 | <u>Case Number</u> |
|--|--------------------|
| County Court at Lw # 4, Dallas County, Texas | 03-1621-D          |

**2. Style of the Case:**

Please include all Plaintiff(s), Defendant(s), Intervenor(s), Counterclaimant(s), Crossclaimant(s) and Third Party Claimant(s) still remaining in the case and indicate their party type. Also, please list the attorney(s) of record for each party named and include their bar number, firm name, correct mailing address, and phone number (including area code.)

|           | <u>Party and Party Type</u> | <u>Attorney(s)</u>   |
|-----------|-----------------------------|--|
| Plaintiff | Lawrence E. Steinberg       | Carl A. Generes<br>State Bar No. 07798000<br>4315 West Lovers Lane<br>Dallas, TX 75209                             |
| Defendant | James H. Brennan            | Baxter W. Banowsky<br>Banowsky, Betz & Levine, PC.<br>12001 N. Central Expressway<br>Suite 790<br>Dallas, TX 75243 |

**3. Jury Demand:**

Was a Jury Demand made in State Court?  Yes

 No

If "Yes," by which party and on what date?

---

Party

---

Date

**Supplemental Civil Cover Sheet****Page 2****4. Answer:**

Was an Answer made in State Court?  Yes  No

If "Yes," by which party and on what date?

---

Party

---

Date**5. Unserved Parties:**

The following parties have not been served at the time this case was removed:

| <u>Party</u> | <u>Reason(s) for No Service</u> |
|--------------|---------------------------------|
| N/A          |                                 |

**6. Nonsuited, Dismissed or Terminated Parties:**

Please indicate any changes from the style on the State Court papers and the reason for that change:

| <u>Party</u> | <u>Reason</u> |
|--------------|---------------|
| N/A          |               |

**7. Claims of the Parties:**

The filing party submits the following summary of the remaining claims of each party in this litigation:

| <u>Party</u> | <u>Claim(s)</u>   |
|--------------|---|
| Plaintiff    | Breach of Contract<br>Fraud<br>Punitive Damages<br>Attorneys Fees |

# ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

NORTHERN DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
**FILED**

|  |
|--|
| CLERK, U.S. DISTRICT COURT<br>By _____<br>Deputy |
| CIVIL ACTION<br>NO. _____                        |

LAWRENCE E. STEINBERG,

\$  
\$  
\$  
\$  
\$  
\$  
\$  
\$

Plaintiff,

v.

JAMES H. BRENNAN, III,

Defendant.

**3 03CV-0562N**

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. § 1441(a), Defendant James H. Brennan, III ("Defendant") hereby removes Plaintiff Lawrence E. Steinberg's ("Plaintiff") Original Petition filed in the County Court at Law No. 4, Dallas County, Texas as follows:

**FACTUAL BACKGROUND**

Plaintiff filed his Original Petition (the "Petition") in the action entitled Lawrence E. Steinberg v. James H. Brennan, III, Cause No. 03-1621-D, in the County Court at Law No. 4, Dallas County, Texas (the "State Action"). A copy of the pleadings and other documents contained in the Court's file in the State Action are attached as exhibit "A."

The Petition was filed on February 11, 2003. Defendant was served with process in the State Action by certified mail on or after February 18, 2003.

**GROUND FOR REMOVAL**

Defendant was served with the suit on or after February 18, 2003 and files this notice within the 30 day time period required by 28 U.S.C. § 1446(b). Removal is appropriate in this matter pursuant to 28 U.S.C. § 1441(a) because there is complete diversity between the parties. Specifically, both at the time of filing and at the time of removal, Plaintiff has been a citizen of Texas.<sup>1</sup> Both at the time of filing and at the time of removal, Defendant has been a citizen of Tennessee.<sup>2</sup> There are no other parties to the State Action. The amount in controversy exceeds \$75,000, exclusive of interest and costs. More specifically, the Complaint alleges \$50,000.00 in actual damages,<sup>3</sup> plus unspecified amounts for both punitive damages and attorneys' fees.<sup>4</sup> Defendant asserts that these additional amounts for unspecified punitive damages and Plaintiff's attorney's fees, combined with Plaintiff's specified damages in the amount of \$50,000.00 will exceed \$75,000.00 in total should Plaintiff prevail and are thus sufficient to confer jurisdiction upon this Court pursuant to 28 U.S.C. § 1332.

---

<sup>1</sup>Petition at ¶ 1.

<sup>2</sup>Petition at ¶ 2.

<sup>3</sup>Petition at ¶¶ 9 and 11.

<sup>4</sup>Petition at ¶¶ 10 and 11.

Concurrent with the filing of this Notice of Removal,  
Defendant has filed a Notice of Filing of Notice of Removal with  
the state court in the State Action.

Respectfully submitted,

**BANOWSKY, BETZ & LEVINE, P.C.**

By:



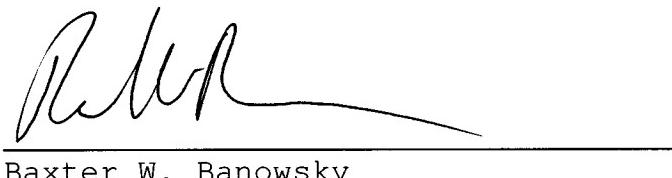
Baxter W. Banowsky  
State Bar No. 00783593

12001 N. Central Expressway  
Suite 790  
Dallas, TX 75243  
214-871-1300  
214-871-0038 (facsimile)

**ATTORNEYS FOR DEFENDANT**

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing  
document was served, via first class mail, upon Carl A. Generes,  
4315 West Lovers Lane, Dallas, Texas 75209 on this the 17<sup>th</sup> day of  
March 2003.



---

Baxter W. Banowsky